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#7

In re Application of	:	
Talley, Jr. et al.	:	
Application No. 09/821,456	:	DECISION ON
PCT No.: PCT/US99/23267	:	
Priority Date: 06 October 1999	:	PAPERS UNDER
Int. Filing Date: 06 October 1998	:	
Atty. Docket No.: 0818.0104C	:	37 CFR 1.42
For: Splittable Multicomponent	:	
Elastomeric Fibers	:	

This is a decision on the "Response To Notification Of Defective Response" filed on 26 November 2001, which is being treated under 37 CFR 1.42.

### **BACKGROUND**

This international application was filed on 06 October 1999, and claimed an earliest priority date of 06 October 1998. A Demand electing the United States was filed on 08 May 2000, which was prior to the elapse of 19 months from the priority date. Accordingly, the 30 month time period for paying the basic national fee in the United States expired as of midnight on 06 April 2001.

On 06 April 2001, applicants filed, *inter alia*, the required basic national fee.

On 08 May 2001, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b).

On 09 October 2001, applicants filed a "Response To Notification Of Missing Requirements" accompanied by a declaration of the inventors.

On 24 October 2001, a Notification Of Defective Response was mailed to applicants, indicating that the oath or declaration "is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68" and requiring applicants to complete the response.

Applicants filed the instant "Response" on 26 November 2001.

**DISCUSSION**

Review of the declaration filed on 09 October 2001 reveals that it was properly executed on behalf joint inventor Jing-Peir Yu by Shiang-Jung Ma Yu, acting in the capacity of legal representative for Jing-Peir Yu in accordance with 37 CFR 1.42. As such, the declaration is proper. The Notification Of Defective Response mailed on 24 October 2001 was in error and is hereby **VACATED**.

**DECISION**

The request under 37 CFR 1.42 is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing, including the preparation and mailing of a Notification of Acceptance (Form PCT/DO/EO/903). The date of this application under 35 U.S.C. 371 is **09 October 2001**.



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